

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SCIELE PHARMA, INC.,	)	
ANDRX CORPORATION, ANDRX	)	
PHARMACEUTICALS, INC. (N/K/A	)	
WATSON LABORATORIES, INC.-	)	
FLORIDA), ANDRX PHARMACEUTICALS,	)	C.A. No. 09-037 (RBK)(JS)
L.L.C., ANDRX LABORATORIES (NJ),	)	
INC., ANDRX EU LTD., AND ANDRX	)	
LABS, L.L.C.,	)	
	)	
Plaintiffs,	)	CONSOLIDATED
	)	
v.	)	
	)	
LUPIN LTD., and	)	
LUPIN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	

---

SHIONOGI, INC.,	)	
ANDRX CORPORATION, ANDRX	)	
PHARMACEUTICALS, INC. (N/K/A	)	
WATSON LABORATORIES, INC.-	)	
FLORIDA), ANDRX PHARMACEUTICALS,	)	
L.L.C., ANDRX LABORATORIES (NJ),	)	
INC., ANDRX EU LTD., AND ANDRX	)	
LABS, L.L.C.,	)	C.A. No. 10-135 (RBK)(JS)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
MYLAN, INC., and	)	
MYLAN PHARMACEUTICALS INC.,	)	
	)	
Defendants.	)	

**PLAINTIFF SHIONOGI'S NOTICE OF 30(b)(6) DEPOSITION  
OF LUPIN DEFENDANTS**

PLEASE TAKE NOTICE that Plaintiff Sciele Pharma, Inc., n/k/a Shionogi Inc., (“Shionogi”) will take the deposition by oral examination of Defendants Lupin Ltd. and Lupin

Pharmaceuticals, Inc. (collectively, "Lupin") pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. The deposition will take place at the offices of WilmerHale LLP, 399 Park Avenue, New York, New York 10022, beginning at 9:30 a.m. on November 1, 2012, or at another agreed upon date and time, and will continue thereafter from day to day until completed. The topics of the deposition are set forth in the attached Schedule A.

Pursuant to Rule 30(b)(6), Lupin is required to designate one or more officers, directors, employees or other persons who will testify on its behalf regarding the topics listed in Schedule A. Lupin is requested to provide Plaintiff's counsel, as soon as reasonably possible, but no later than 10 business days before the deposition, a written designation of the name(s) and position(s) of the other person(s) who will be produced to testify on behalf of Lupin and, for each person designated, the topics set forth in the attached Schedule A as to which he or she will testify.

The deposition will be taken before a qualified Notary Public or before some other officer authorized by law to administer oaths. The deposition will be recorded by video and stenographic means. You are invited to attend and cross-examine.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jennifer Ying*

OF COUNSEL:

David A. Manspeizer  
David B. Bassett  
Christopher R. Noyes  
WILMER, CUTLER, PICKERING, HALE AND DORR  
LLP  
399 Park Avenue  
New York, NY 10022  
(212) 230-8800

---

Jack B. Blumenfeld (#1014)  
Karen Jacobs Loudon (#2881)  
Jennifer Ying (#5550)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
jblumenfeld@mnat.com  
klouden@mnat.com  
jying@mnat.com

*Attorneys for Plaintiff Shionogi*

October 22, 2012  
6584913

## **SCHEDULE A**

### **Definitions**

1. Any reference to a business entity includes all entities and persons acting on the business entity's behalf as well as all affiliates, divisions, parents, subsidiaries, and predecessors and successors thereof.

2. Any term defined in the singular also includes the plural and vice versa.

3. The terms "and" and "or" shall be interpreted liberally as conjunctive, disjunctive, or both so that the fullest disclosure of information is achieved.

4. The term "communication" or "communications" refers to all conversations, agreements, inquiries, or replies, whether in person, by telephone, in writing, or by means of electronic transmittal devices, and includes, but is not limited to, all correspondence, transmittal slips, memoranda, or notes.

5. The term "concerning" means in any way, directly or indirectly, regarding, considering, constituting, covering, defining, describing, involving, underlying, modifying, amending, confirming, mentioning, endorsing, recording, evidencing, pertaining to, referring to, reflecting, relating to, representing, supporting, qualifying, terminating, revoking, canceling, negating, or having any connection with the matter discussed.

6. The term "document" means each and every writing, whether an original, a draft, or a copy, however produced or reproduced, and each and every thing from which information can be processed or transcribed, and includes, without limitation, all things meeting the definitions of "writings" and "recordings" as set forth in Fed. R. Evid. 1001. Any document without any marks such as initials, comments, or notations of any kind is not deemed to be identical to one without such marks and is to be produced and identified as a separate document.

The term “document” is coextensive in scope with Rule 34 of the Federal Rules of Civil Procedure.

7. The term “Lupin” means Lupin Pharmaceuticals, Inc. and each of its respective officers, directors, representatives, employees, agents, partners, corporate parents, subsidiaries, affiliates, predecessors, and successors.

8. The term “ANDA” means Abbreviated New Drug Application.

9. The term “Lupin’s ANDA” means ANDA No. 90-692.

10. The term “Lupin’s ANDA Metformin Products” means the metformin products that are the subject of Lupin’s ANDA.

11. The term “Lupin’s Indian Patent Application” refers to Indian Patent Application No. 213/KOL/2008.

12. “Related Applications and Patents” means:

- a. (i) any United States or foreign patent applications to or through which Lupin’s Indian Patent Application claims priority, (ii) any predecessors, continuations, continuations-in-part, or divisionals of any of the foregoing patent applications (including any rejected, abandoned, or pending applications), and (iii) any United States or foreign patents that issue on any of the foregoing applications; and
- b. (i) any United States or foreign patent applications that claim priority to or through Lupin’s Indian Patent Application, (ii) any predecessors, continuations, continuations-in-part, or divisionals of Lupin’s Indian Patent Application or any of the foregoing patent applications (including

any rejected, abandoned, or pending applications), and (iii) any United States or foreign patents that issue on any of the foregoing applications.

**Topics of Examination**

1. Facts and circumstances regarding the conception and reduction to practice of the alleged inventions claimed in Lupin's Indian Patent Application.
2. The preparation, filing, and/or prosecution of Lupin's Indian Patent Application and any Related Applications and Patents.
3. Any design, formulation, research and development, testing, experiments, or analysis leading to or relied upon in support of Lupin's Indian Patent Application, described in the patent specification, or referenced during the prosecution of Lupin's Indian Patent Application or any Related Applications and Patents.
4. Any design, formulation, research and testing using tablets described in the specification or claims of Lupin's Indian Patent Application.
5. Any relationship between the tablets described in Lupin's Indian Patent Application and Lupin's ANDA or Lupin's ANDA Metformin Products.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2012, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following all registered participants.

I also certify that copies were caused to be served on October 22, 2012, upon the following in the manner indicated:

Richard D. Kirk, Esquire  
Stephen B. Brauerman, Esquire  
BAYARD, P.A.  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801  
*Attorneys for Lupin Ltd. and Lupin  
Pharmaceuticals, Inc.*

*VIA ELECTRONIC MAIL*

Douglass C. Hochstetler, Esquire  
KELLEY DRYE & WARREN LLP  
333 West Wacker Drive, 26<sup>th</sup> Floor  
Chicago, IL 60606  
*Attorneys for Lupin Ltd. and Lupin  
Pharmaceuticals, Inc.*

*VIA ELECTRONIC MAIL*

Beth D. Jacob, Esquire  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, NY 10178  
*Attorneys for Lupin Ltd. and Lupin  
Pharmaceuticals, Inc.*

*VIA ELECTRONIC MAIL*

Karen A. Confoy, Esquire  
Erica A. Helms, Esquire  
STERN & WEINROTH PC  
50 West State Street, Suite 1400  
Trenton, NJ 08607  
*Attorneys for Lupin Ltd. and Lupin  
Pharmaceuticals, Inc.*

*VIA ELECTRONIC MAIL*

Richard Herrmann, Esquire  
Mary B. Matterer, Esquire  
MORRIS JAMES LLP  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801  
*Attorneys for Mylan Inc. and Mylan  
Pharmaceuticals Inc.*

*VIA ELECTRONIC MAIL*

Timothy H. Kratz, Esquire  
Robert L. Florence, Esquire  
George J. Barry III, Esquire  
MCGUIRE WOODS LLP  
1230 Peachtree Street, N.E., Suite 2100  
Atlanta, GA 30309  
*Attorneys for Mylan Inc. and Mylan  
Pharmaceuticals Inc.*

*VIA ELECTRONIC MAIL*

Karen L. Carroll, Esquire  
MCGUIRE WOODS LLP  
77 West Wacker Drive, Suite 4100  
Chicago, IL 60601-1818  
*Attorneys for Mylan Inc. and Mylan  
Pharmaceuticals Inc.*

*VIA ELECTRONIC MAIL*

Frederick L. Cottrell, III, Esquire  
Steven J. Fineman, Esquire  
RICHARDS, LAYTON & FINGER P.A.  
One Rodney Square  
Wilmington, DE 19801  
*Attorneys for Andrx Corporation, Andrx  
Pharmaceuticals, Inc. (n/k/a Watson  
Laboratories, Inc.-florida), Andrx  
Pharmaceuticals, L.L.C., Andrx Laboratories  
(NJ), Inc., Andrx EU Ltd. and Andrx Labs,  
L.L.C.*

*VIA ELECTRONIC MAIL*

Gary E. Hood, Esquire  
POLSINELLI SHUGHART PC  
161 North Clark Street, Suite 4200  
Chicago, IL 60601-3316  
*Attorneys for Andrx Corporation, Andrx  
Pharmaceuticals, Inc. (n/k/a Watson  
Laboratories, Inc.-florida), Andrx  
Pharmaceuticals, L.L.C., Andrx Laboratories  
(NJ), Inc., Andrx EU Ltd. and Andrx Labs,  
L.L.C.*

*VIA ELECTRONIC MAIL*

Robyn H. Ast, Esquire  
POLSINELLI SHUGHART PC  
100 South Fourth Street, Suite 1000  
St. Louis, MO 63102  
*Attorneys for Andrx Corporation, Andrx  
Pharmaceuticals, Inc. (n/k/a Watson  
Laboratories, Inc.-florida), Andrx  
Pharmaceuticals, L.L.C., Andrx Laboratories  
(NJ), Inc., Andrx EU Ltd. and Andrx Labs,  
L.L.C.*

*VIA ELECTRONIC MAIL*

*/s/ Jennifer Ying*

---

Jennifer Ying (#5550)